

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICK NICHOLAS,	:	Civil No. 1:24-CV-01769
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
TAMMY GIOLA, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

**ORDER**

**AND NOW**, on this 27th day of January, 2025, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT**:

1. Plaintiff's amended complaint, Doc. 15, is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
2. Plaintiff may file a second amended complaint by **February 27, 2025**.
3. The second amended complaint shall bear the same case number presently assigned to this action, shall be labelled as the "Second Amended Complaint," shall be direct and concise, and shall stand alone without any reference to any document filed in this matter pursuant to Fed. R. Civ. P. 8(d).
4. The Clerk of Court will forward two (2) copies of the court's civil complaint form for his use in drafting the second amended complaint.

5. If Plaintiff does not timely file a second amended complaint, the court will enter a final order dismissing the complaint with prejudice.<sup>1</sup>

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Judge  
Middle District of Pennsylvania

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<sup>1</sup> If Plaintiff does not wish to file a second amended complaint, he may file a notice stating that he intends to stand on the amended complaint. If Plaintiff files such notice, the court will enter a final order dismissing the amended complaint with prejudice so that an appeal may be filed. *See Weber v. McGrogan*, 939 F.3d 232, 241 (3d Cir. 2019).